IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21393 of 2003

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Between:

Magapu Subrahmanyam, S/o.Lakshmi Pathi,
R/o.Plot No.19, Madhavanagar, Pithapuram,
E.G.Dist.

..... PETITIONER

AND

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1 Deputy Registrar and Officer on Special Duty, The

District Cooperative Central Bank Ltd., Kakinada,

E.G.Dist.
2 The Yenugupally PACS Ltd., rep. by its Secretary,
P.Gannavaram Mandal, E.G.Dist.
3 Tatavarthi Suryanarayana, S/o.Purushotham,
D.No.1-80, Y.Kothapalli Village, K.Yenugupalli Post,

P.Gannavaram Mandal, Kothapeta J.C.J.Jurisdiction,
E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the Respondents 1 and 2 in conducting the auction on 9-10-2003 in respect of the Schedule Properties which are subject matter and attached before Judgment in I.A.No.65/2003 in O.S.No.12/2003 on the file of the Court of the Senior Civil Judge, Pithapuram, and more particularly when the said order is conformed made absolute by the Hon'ble Lok Adalat at Pithapuram, as highly illegal, arbitrary, unconstitutional. null and void, violative of procedural law

Counsel for the Petitioner: MR.P.MURALI KRISHNA PRASAD

Counsel for Respondent No.1: MR.C.V.MOHAN REDDY

Counsel for Respondent No.2: MR.C.V.R.RUDRA PRASAD

Counsel for RespondentNo.3: None appeared

The Court Made the Following ORDER:

Heard both sides. At their request the main writ petition itself is taken up for disposal.

This writ petition is filed mainly on the ground that during the summer vacations to the lower court the petitioner has no proper remedies and therefore, approached this court under Article 226 of the Constitution of India seeking to stay the Auction proceedings proposed to be conducted on 9-10-2003 by the respondent Nos.1 and 2.

However, having regard to the fact that the vacations are already over, invocation of jurisdiction under Article 226 of the Constitution of India in respect of the civil proceedings, especially, where the civil proceedings are pending before a competent court of law, is not sustainable. It is however, open for the petitioner to take appropriate steps before the civil court.

Accordingly, the Writ Petition is dismissed. No costs.

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B. Prakash Rao, J.

20th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 Deputy Registrar and Officer on Special Duty, The

District Cooperative Central Bank Ltd., Kakinada,

E.G.Dist.
2 The Secretary, Yenugupally PACS Ltd.,
P.Gannavaram Mandal, E.G.Dist.
3 2 CD copies.